

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	\$	DEMAND		JUDGE	JURY	DOCKET	
	YR.	NUMBER	MO.	DAY	YEAR							OTHER	NUMBER	DEM.	YR.	NUMBER	
1085/4	75	0035	01	24	75	2	290	1		1			8510			75	0035-C

PLAINTIFFS

TAYLOR, ROBERT R., HOLMES, R. K.,
ON BEHALF OF THEMSELVES AND OTHER
PERSONS SIMILARLY SITUATED, JAMES
R. McKEE, PAUL SPESS, RAY SPESS,
FRANK SPESS, VIRGIL L. ATHENS, JAMES
T. COMPTON, CLARENCE GREEN, MERLE A.
COLLINS, RALPH BLOW, NOLAN WILCOX-
SON, GILBERT A. MONFORTE, GERTRUDE
C. KINNEY, HUGH H. INGALLS, ROBERT
L. ROSIER, W. JESTER, ALTA B. RYAN,
HAROLD HOLMES, JOHN BRICHACEK, R.
PAUL HENRY, CHRIS YARBROUGH.

DEFENDANTS

CALLAWAY, HOWARD, SECRETARY OF
THE ARMY, GRIBBLE, WILLIAM C.,
CHIEF OF ENGINEERS, U.S. ARMY,
AND DRISKELL, COLONEL JOHN G.,
TULSA DISTRICT ENGINEER

CLASS ACTION
CAUSE

Title 5 U.S.C. §701-706; T. 28 U.S.C. 2201; T. 28 U.S.C. 1331 (a)
Action for review of action of Tulsa District Engineer, U.S. Army Corps
of Engineers seeking permanent injunction, temporary restraining order and
declaration of rights under 33 CFR §211.8 and Statute & Constitution of U.S.

ATTORNEYS

Jack H. Santee and Rick Schelin
Martin, Logan, Moyers, Martin &
Conway
920 National Bank of Tulsa Building
Tulsa, OK 74103 582-5281

~~Jack M. Short~~
Nathan G. Graham, Ken Snoke
U. S. District Attorney
460 Federal Building
Tulsa, OK 74103 581-7463

☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE	RECEIPT NUMBER	C.D. NUMBER

STATISTICAL CARDS

CARD	DATE MAILED
JS-5	02-01-75
JS-6	9-1-76

DATE	NR.	PROCEEDINGS
1-24-75	1	Complaint, filed.k
1-24-75		Informal meeting held in Chambers. Pltf. rep. by Jack Santee; govt. rep. by Nathan G. Graham, Jack M. Short. Court fixes time for hearing on TRO at 12:15 P.M. 1-28-75. (HDC-J)hm
1-24-75	2.	Order for hearing, filed, setting pltf's applic. for TRO at 12:15 p.m. on 1-28-75. (HDC-J)hm (Summons issued on complaint & order)
1-28-75		Hearing on applic. for TRO held in chambers. Parties announce that govt. to agree to open bids on 1-29-75, but will hold them for 30 days, pending a determination on the merits of this case. Request for TRO is withdrawn, based upon agreed stipulation. Parties to confer on stipulation of facts by 2-11-75, with a report to the Court on progress thereafter. Pre-trial hearing set for 2-25-75 at 10:00 a.m. Pltf. to prepare order on hearing. (HDC-J)hm
1-30-75	3.	Order, filed, that pltf's request for TRO is withdrawn, pursuant to stipulation of parties, and case is set for pre-trial hearing on 2-25-75 at 10:00 a.m. (HDC-J)hm (copies mailed)
2-3-75		Summons, ret. & filed: served Col. John G. Driskill 1-27-75, Tulsa, Ok., served Lt. Gen. Wm. C. Gribble, Chief of Engr., Howard H. Callaway, Secy. of the Army, and Attorney General of the U. S., Wash. D. C. by certified mail; served U. S. Atty., NDO, Tulsa, all on 1-27-75. (USM \$24.00)g
2-25-75	MO:	Case called for pre-trial hearing. Statements made. Filing of pre-trial memorandum waived by Court. Deft. asks leave to file motion/dismiss; leave granted. Pltf. states he wants to pursue case as a class action, the class to only include adjacent landowners; deft. objects. Govt. to furnish pltf. with requested documents as fully as possible. Pltf. requests ext. of time on agreement entered into heretofore & on stip. of parties, agreement is extended another 30 days. Govt. to file appropriate motions/briefs. Parties to prepare stip. of facts. Govt. given 10 days to file mo/dismiss & brief; pltf. 10 days thereafter to file responsive brief. (HDC-J)hm
2-26-75	4.	Order, filed, that defs. will file mo/dismiss w/brief by 3/7/75; that pltf. will respond within 15 days from date of receipt of defs. mo.; pltf. will determine extent of class action question; defs. will comply with pltf. req. for documents; that agreement of parties in order of 1/30/75 is extended to 3/27/75. (HDC-J)rm - copies mailed
2-28-75		Reporter's transcript of proceedings had on 2-25-75, filed. hm
3-7-75	5	Defts.' Motion to Dismiss, filed.k
3-7-75	6	Brief in support of defts.' mot. to dismiss, filed.k
3-10-75	MO	It is ordered by the Court that pltf's. are granted 15 days to respond to defts.' mot. to dismiss. (HDC-J)k cps mld
3-21-75	7.	Order, filed, with attached stipulation, granting ext. until 3-31-75 for pltf. to file brief in oppos. to mo/dismiss. (HDC-J)hm <i>7/10 mailed</i>
3-28-75	8.	Motion for enlargement of time, filed. hm
3-28-75	9.	Order, filed, granting govt. defts. until 4-28-75 to ans. or 15 days after Court's ruling on defts' mo/dismiss, whichever occurs later. (HDC-J)hm (copies mailed)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 75-0035C
TAYLOR, ROBERT R. et al		HOWARD CALLAWAY, Secty. of the Army, et al	PAGE 3 OF _____ PAGES
DATE	NR.	PROCEEDINGS	
8-31-75	10	BRIEF in opposition of defts' Motion to Dismiss, filed. lm	
4-28-75	11	<u>ANSWER</u> of defs., filed. rm	
5-30-75	12	Order overruling motion to dismiss, filed. (HDC-J)hm (copies mailed)	
6-11-75	MO:	Case set for pre-trial hearing 7-8-75 at 4:15 p.m. (HDC-J)hm	
7-3-75	13	Request for Prod. of Documents, filed.jj	
7-8-75	MO:	Pre-trial hearing held. Statements made. ^{mt} Conference memorandum filed in open court. Pltf's request to maintain case as class action is denied by Court. Discovery to be complete by 8-5-75. Pltf. to prepare PT order by 8-5-75 and case set for N/J trial Monday, Sept. 8, 1975, at 10:00 a.m. (EST-1½ days). (HDC-J)hm	
8-1-75	14	Joint application to ext. time to file pretrial order, filed. g ^{etc}	
8-1-75	15	Motion of pltfs. to file amended complaint, filed. g ^{o h / 8-12 v}	
8-1-75	MO	Ordered by Ct. that deft. is granted 10 days from this date to file a responsive brief to plaintiffs' motion to amend complaint. (HDC-J)g	
8-1-75	16	Application of pltfs to postpone trial, filed. g ^{orig}	
8-4-75	17	Order, filed, extending time to file PT order to 8-19-75. (HDC-J)lm	
8-5-75	18	Order, filed, that trial be set at the Court's convenience. (HDC-J)g ^{as noted}	
8-11-75	19	Responsive brief of def. to pltf. mo/file amended compltf., filed.rm	
8-14-75	20	Order, filed, granting pltfs. leave to file amended complaint. (HDC-J)g	
8-15-75	21	Pltf's AMENDED COMPLAINT, filed. lm	
8-19-75	22	Joint appl. to extend time for filing pretrial order, fld. v (o)	
8-19-75	23	Order, filed ext. time to file pretrial order to 8-26-75. (HDC-J)g	
8-21-75	24	Deft's interrog. to pltfs., filed.k	
8-22-75	25	Defts' answer to amended complaint, filed.k	
8-25-75	26	Pltfs' Int. to Defts, filed.jj	
8-27-75	27	Pre-Trial Order, filed. (HDC-J)g	
11-26-75	MO:	Case set for N/J trial 3-15-76 at 10:00 a.m.; parties directed to file trial briefs on or before 2-23-76. (HDC-J)hm	
1-20-76	28	Defts' mo/leave to file amended ans. to amended complaint, filed. hm	
1-20	29	Order, filed, granting defts. leave to file amended ans. (HDC-J)hm (copies mailed)	
1-20	30	Amended answer to amended complaint, filed. hm	
2-10	31	R. Paul Henry's Response to Deft.'s Interrogs., fld. v	
2-10	32	Alta B. Ryan's Response to Deft.'s Interrogs., fld. v	
2-10	33	Robert L. Rosier's Response to Deft.'s Interrogs., fld. v	
2-10	34	Merle A. Collins' Response to Deft.'s Interrogs., fld. v	
2-10	35	John Brichacek's Response to Deft.'s Interrogs., fld. v	
2-10	36	Gilbert A. Monforte's Response to Deft.'s Interrogs., fld. v	
2-10	37	Gertrude C. Kinney's Response to Deft.'s Interrogs., fld. v	
2-10	38	Raymond K. Holmes' Response to Deft.'s Interrogs., fld. v	

CIVIL DOCKET CONTINUATION SHEET

CLASS ACTION

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
2-10	39.	Robert R. Taylor's Response to Deft's Interrog., filed.t	
2-12	40.	James C. Holmes's, pltf., response to deft's interrogs, filed. ph	
2-13	41.	Deft's. Ans. to Pltfs'. Interrog., filed.t	
2-17	42.	James T. Compton's Response to Deft's Interrogatories, filed.t	
2-17	43.	Cris Yarbrough's Response to Deft's Interrogatories, filed.t	
2-18	44.	Response of Nolan Wilcoxson to deft's interrogatories, filed.k	
2-20	44a.	Applic. to ext. time for defts. to file PT brief, filed. hm	
2-20	45.	Application to Extend Time for Filing Pre-Trial Brief, filed.t 0-J	
2-20	46.	Order ext. time to 3-3-76/ to file PT brief. (HDC-J)g	
2-20	47.	Order ext. time to 3-3-76 for deft. to file PT brief. (HDC-J)g	
2-24		Return on USM service, subpoena, filed. Served John Truett on 2-18-76 at Tulsa, OK, w/ fees of \$4.16.k	
2-24		Return on USM service, subpoena, filed. Served Harris L. Elliott on 2-20-76 at Tulsa, OK w/ fees of \$3.92. k	
3-4	48.	Pltfs' trial brief, filed. hm	
3-4n	49.	Deft's Trial Brief, filed.jj	
3-5	50.	Motion to compel answers to deft's interrogs. to pltf., filed. lm	
3-5	51.	Order to compel ans. to defts' interrog. to plts., filed. (HDC-J)hm (copies mailed)	
3-11	52.	Virgil L. Athen's Response to deft's interrogs., filed. ph	
3-11	53.	Hugh H. Ingall's response to deft's interrogs., filed. ph	
3-15	54.	Case called for N/J trial. Parties represented and announce settlement. Settlement agreement made a part of the record, and trial continued pending the filing of final papers approved by the Secy. of the Army within 10 days. (HDC-J)hm	
7-15	55.	Joint appl. to extend time for filing final papers, filed. ph otag	
7-15	56.	Order, filed, granting parties until 8-13-76 to file final papers. (HDC-J)ph cps mld	
8-12	57.	Settlement Agreement, fld. v	
8-12	58.	Settlement Agreement, fld. v	
8-27	59.	Stipulation for dismissal, filed. rm	
8-27	60.	Order, filed, and entered dismissing cause w/prej., each party to bear his own costs. (HDC-J)rm-copies mailed	